



U.S. DEPARTMENT of STATE

Guinea

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Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984, first as head of a military junta and, since 1994, as a civilian president. Despite openly acknowledged health problems, the President ran for re-election in December 2003, winning against a candidate who was virtually unknown. All major opposition parties boycotted the election due to questions over the fairness of the electoral system. The election was peaceful although turnout was lower than previous presidential elections, despite government claims of a high participation rate. The country's second legislative election, originally scheduled for 1999, was held in 2002. President Conte's Party of Unity and Progress (PUP) and associated parties won 91 of the 114 seats; the majority of the opposition boycotted the election. An increasingly disproportionate number of appointed public sector positions, including senior military and cabinet posts, were held by members of the President's own minority ethnic Soussou group, even after a major post-election cabinet shuffle in February. The judiciary was subject to executive influence, particularly in politically sensitive cases.

The Gendarmerie, a part of the Ministry of Defense, and the national police, under the Ministry of Security, share responsibility for internal security and sometimes played an oppressive role in the daily lives of citizens. The Presidential Guard, or Red Berets, are accountable to virtually no one except the President. There was no effective civilian control of the security forces. Some members committed serious human rights abuses.

The country's economy is largely market-based, although the Government intervenes to control prices of sensitive commodities such as rice and fuel. Approximately 85 percent of the country's population of 9.2 million was engaged in subsistence agriculture. Economic growth stagnated during the year as foreign aid declined. The cost of living, including the rising price of staple foods and of transportation fuels as well as frequent and severe power blackouts and water shortages has led to increased hardship for a majority of citizens. Wages have not kept pace with the rising inflation rate; food prices have risen by 30 percent. The Government, which had enforced a fuel price cap, raised fuel prices by 66 percent in August. Government collaboration with donors was jeopardized by an increasing debt burden, deficit, widespread corruption, particularly at the port and customs offices; and limited transparency in the Government, which blocked efforts at economic and fiscal reform.

The Government's human rights record remained poor; although there were improvements in several areas, serious problems remained. The Government's tight control of the electoral process, its refusal to create an independent electoral oversight mechanism, and its prohibition of nongovernmental broadcast media effectively restricted citizens' right to change their government. There were four unlawful killings by security forces during the year. Civilian and military security forces beat and otherwise abused civilians, often with impunity. Prison conditions were inhumane and life threatening. Arbitrary arrest and prolonged pretrial detention were problems. The Government infringed on citizens' privacy rights. The Government restricted freedom of speech, the press, assembly, and association and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination, child labor, and reports of trafficking of women and children continued.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings by the Government or its agents; however, security forces killed several persons during the year, and there were reports of deaths in custody due to torture, abuse, and neglect. There were four confirmed reports that security forces killed persons during the year.

In February, security forces beat to death a man detained for burglary.

In May, policemen shot and killed two taxi drivers. One victim refused to pull over for a routine traffic check; the other overtook and passed a policeman in traffic. No charges were filed against these policemen.

In October, the Anti-Gang Brigade shot and killed a man who verbally objected to his neighbor's arrest.

Police killed one person with a stray bullet during a demonstration (see Section 2.b.).

At year's end, there was no information available on the trial of the gendarme arrested for killing a man in Donka.

There were no developments in the April 2003 police killing of a man in Yimbaya.

There were no developments in the reported 2002 killings by security forces.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGOs) to investigate political killings that took place in the 1970s under then-President Sekou Toure.

Many victims of crime feared that they might never receive justice because of judicial corruption and at times resorted to exacting their own form of retribution through vigilante violence. Although there were no reports during the year that suspected criminals were beaten or burned to death in public executions, a group burned down the house of a policeman who killed a man attempting to defend a neighbor (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment; however, both civilian and military security forces beat and otherwise abused civilians. There also were reports that security forces used torture and beatings to extract confessions and employed other forms of brutality, including holding prisoners incommunicado without charges under inhumane conditions. There were no developments or investigations conducted in the June 2003 cases of extortion by the Anti-Criminal Brigade in Kamsar.

Police injured several persons while using force to disperse demonstrations during the year (see Section 2.b.).

There were no developments in the May 2003 police shooting of a man in Conakry; the June 2003 police beating of two men in Ratoma; or the July 2003 police beating of four persons in Gonomanota.

Unlike in previous years, there were no reports that authorities stopped refugees and searched them for signs that they were dissidents.

No action was taken against security forces responsible for abusing refugees in 2003 or 2002.

Prison conditions were inhumane and life threatening. Neglect, mismanagement, and lack of resources were prevalent. The basic diet for prisoners was inadequate, and most inmates relied on supplemental assistance from families or friends to maintain their health. Guards often demanded bribes in exchange for allowing delivery of food to those incarcerated. During the year, an NGO cited cases of dangerously low body weight and initiated a program to improve the health of critically malnourished inmates.

Standards of sanitation remained poor, which resulted in several dozen deaths due to malnutrition and disease in previous years. During the year, there were two confirmed reports of deaths of prisoners due to lack of medical attention. Some prisoners reported sleeping on their knees because their cells were so small. Prisoners reported threats, beatings, and harassment by guards, and some reported being denied food and a place to lie down. Some prisoners wielded more power than the guards, offering more sanitary cells and conditions to new prisoners who were able to pay.

Conditions in the N'Zerekore prison improved in 2003. The prison was built in 1932 to house 70 prisoners and housed 155 prisoners during the year. Installation of indoor plumbing and better ventilation improved overall conditions for prisoners in 2003; however, no improvements in the prisons were noted during the year. Men and women were housed separately, but juveniles generally were housed with adults, and first-time offenders were not separated from common criminals. There were credible reports from prisoners that female inmates were subjected to harassment and sexual assault by guards. Pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest. Prisoners of political importance usually were held in the main prison in Conakry with the general prison population; however, they were housed in separate cells.

The Government permitted prison visits by the International Committee of the Red Cross (ICRC) and other local humanitarian and religious organizations, which offered medical care and food for those in severe need. The ICRC reported that it was

allowed regular access to all 33 official detention facilities and 2,500 prisoners during the year. The ICRC continued to initiate partnership programs with prison and security authorities to improve prison conditions. A former prisoner reported that without this assistance, those who did not have families or friends would have starved to death.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, security forces regularly used arbitrary arrest and detention.

The Code of Penal Procedure permits only the Gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detained persons as well. In addition, a quasi-police unit, called the Anti-Crime Brigade (BAC), was formed in 2002 to fight criminal gangs and bandits. BAC units began in Conakry and were being extended to other prefectures. In practice, administrative controls over the police were ineffective, and security forces rarely followed the Penal Code. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens viewed the security forces as corrupt, ineffective, and even dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks (see Section 2.d.).

The Penal Code stipulates that the arrest of persons in their home is illegal between 9 p.m. and 6 a.m.; nevertheless, midnight arrests took place. The Penal Code also requires that the Government issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees were incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. The Constitution proscribes incommunicado detention; however, at times it occurred in practice. The law provides for access by attorneys to their clients, but authorities frequently did not respect this provision. Release on bail was at the discretion of the magistrate who had jurisdiction. The Penal Code strictly forbids the detention of civilians at military camps, but such detentions occurred.

Police detained opposition members several times during the year. For example, in March, authorities prevented former mayor and prominent member of the Union of Democratic Forces (UFR) opposition party Rougui Barry from leaving the country. Police detained and jailed Barry, along with another UFR member and an army officer. Police claimed the three were involved in efforts to subvert the Government. Charges against the two of the accused were later dismissed, while the legal situation for the army officer remained unclear at year's end.

In April, police arrested three members of the Union for Guinea's Progress (UPR) opposition party on unspecified charges.

On April 25, UFR opposition President and former Prime Minister Toure was detained for 1 night and then released for plotting against the Government; charges were dismissed on July 22. When charges against him were dropped, all freedom of speech and movement restrictions were dropped.

In November 2003, gendarmes detained an unknown number of active and ex-military personnel for unspecified reasons. Several, including the son of the former head of the National Assembly, were released in December 2003, although others continued to be detained. Unlike in previous years, there were no reports that the army or gendarmerie detained refugees during the year.

Prolonged pretrial detention was a problem. At times, detainees remained in prison for up to 2 years without trial.

On October 25, 12 military officers who were accused of a military coup in December 2003 and were held in military prison for 10 months without trial and access to lawyers were released. During their stay in prison, they reportedly slept on the ground and on straw mat or rags.

In October 12 political detainees--2 military officers and 10 civilians--who were held without trial in a military prison on suspicion of plotting a coup in December 2003 were released on probation after their families petitioned the Government in September requesting the prisoners' immediate release.

Bar Association attorneys, the independent press, and government sources described a parallel and covert system of justice run by unidentified uniformed personnel who conducted midnight arrests, detained suspects, and used torture in secret prisons to obtain confessions before transferring detainees to prosecutors (see Section 1.c.).

e. Denial of Fair Public Trial

The Constitution provides for the judiciary's independence; however, judicial authorities routinely deferred to executive authorities in politically sensitive cases. Magistrates were civil servants with no assurance of tenure. Because of corruption and nepotism in the judiciary, relatives of influential members of the Government often were, in effect, above the law. Judges often did not act independently, and their verdicts were subject to outside interference.

The judiciary includes courts of first instance, the two Courts of Appeal, and the Supreme Court, which is the court of final appeal. In practice, the two Courts of Appeal for Kankan and Conakry that handle serious crimes barely functioned due to lack of

resources and organizational problems, and many prisoners were detained for lengthy periods without trial (see Section 1.d.). A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. Civilians were not subject to military tribunals.

The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open to appeal only on a point of law, not for the re-examination of evidence.

The judicial system was plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision; however, these rights were not consistently observed in practice. Although in principle the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment.

Many citizens wary of judicial corruption preferred to rely on traditional systems of justice at the village or urban neighborhood level. Litigants presented their civil cases before a village chief, a neighborhood leader, or a council of "wise men." The dividing line between the formal and informal justice systems was vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminated against women in that evidence given by women carried less weight (see Section 5).

During the year, there were political prisoners held in connection with the December 2003 coup plotting. On October 12, military officers had their first appearance before the First Instance Court of Conakry on charges of plotting to overthrow the President in December 2003.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, and the law requires judicial search warrants; however, police and paramilitary police often ignored legal procedures in the pursuit of criminals. Unlike in previous years, the degree to which police and the military detained persons at nighttime roadblocks for purposes of security but also to extort money or goods declined (see Section 2.d.).

Security officials were widely believed to monitor the mail. Local businesses, including foreign companies, often complained of intimidation and harassment by public officials and authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government broadly restricted these rights. The Government prohibited talk or chants in public that it considered seditious; established defamation and slander as criminal offenses; and prohibited communications that insulted the President, incited violence, discrimination, or hatred, or disturbed the public peace. Sanctions include fines, revocation of press cards, imprisonment, and banishment.

Unlike in the previous year, the Government did not detain persons for criticizing the President, although in March, a journalist was detained briefly for publishing a photograph of the President looking thin and leaning on an aide.

The Government published an official newspaper, the daily *Horoya*, and operated the official television and radio stations. The state-owned media provided extensive and favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. Journalists for the official press practiced self-censorship and avoided reporting on politically controversial issues.

There was a vocal private press that openly criticized the President and the Government. For example, the weekly satirical newspaper *Le Lynx* published front-page cartoons lampooning the President and senior government officials. Ten private newspapers were published weekly in Conakry, and up to 10 other publications appeared sporadically, although technical difficulties and high operating costs impeded regular publication. One newspaper, *L'Espoir*, was affiliated with the governing political party, and several other newspapers openly supported opposition parties. Other newspapers offered news and criticism of both the Government and the opposition. Foreign publications, some of which criticized the Government on a regular basis, were available. Despite the limited reach of the print media due to low literacy rates and high prices of newspapers, the Government continued to occasionally criticize and harass print journalists.

The Government owned and operated all domestic broadcast media including radio, which was the most important source of information for the public. Although the law permits private electronic media, the Government has never approved license requests for private radio and television stations, on the grounds of national security. Many citizens listened regularly to foreign-

origin short-wave radio. The Government did not restrict access to or distribution of foreign television programming via satellite or cable; however, relatively few citizens could afford these services.

In May, the Ministry of Local Government refused to allow the magazine Jeune Afrique L'intelligent permission to distribute the May 2-8 edition. Some observers believe the Government banned it because it featured an article about the country's recently resigned Prime Minister. It also banned the sale of the May 9-15 edition of the magazine, which featured a story about the President's efforts to persuade the Prime Minister to return to his position.

During the year, the National Communications Council (CNC) suspended the newspapers L'oeil and the L'economiste, for defamation and false information. The newspapers have since resumed publication. In November, the CNC also seized Le Quotidien, a privately owned daily newspaper. The CNC ruled that an article violated ethics and rules for professional journalism established by law and "threatened the peace and tranquility."

In September, the Minister of Security seized a weekly publication, Le Petit Matin, following an article that criticized him. The Minister claimed the paper had no license; however, the publishers insisted that their license was current.

The Ministry of Security has no jurisdiction over publication issues. Le Quotidien resumed publication at year's end.

The Government did not restrict access to the Internet.

The Ministry of National Education and Scientific Research exercised limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general, teachers were not subject to classroom censorship.

b. Freedom of Peaceful Assembly and Association

The law restricts freedom of assembly, and the Government exercised its power to restrict unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The Government requires a 72-hour advance notification of public gatherings; otherwise, the events are considered illegal. In July 2003, the Government notified all political parties that their leadership was required to provide advance notification of their attendance at funerals, weddings, or any other gathering with a large number of citizens; this was enforced during the year.

The Government continued to enforce a 2003 ban that prohibits all street marches except funerals. The law permits local authorities to cancel a demonstration or meeting if they believe it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues. The Governor of Conakry requires written permission from his office for public meetings of all associations, NGOs, groups, cooperatives, and political parties, and the requirement continued to be enforced during the year.

In August, the Government cancelled the public celebration of a holiday celebrating a market women's revolt in 1977 and denied the marching permit for the event.

During the year, the country experienced several demonstrations to protest rising food prices, some of which were broken up by force. For example, on September 13 and 14, students at the Agricultural College in Faranah boycotted classes to demand better living conditions and protest the rising cost of food. Police and the BAC beat demonstrators and used tear gas to disperse the demonstrators. Military forces held 135 students at an army base. An NGO negotiated their release. The school was closed for 1 month by school authorities in conjunction with the Ministry of Higher Education. Five students were expelled permanently.

On September 18, police used tear gas to break up groups traveling on foot to a rally called by an opposition party, Union of Democratic Forces in Guinea (UDFG), to protest the rising cost of food. The Government permitted the UDFG to rally at a stadium; however, a request for a street demonstration was not granted. It was unclear whether the group tried to march in defiance of the Government, or whether several supporters were walking to the stadium.

In November, elected student representatives staged a strike at the University of Conakry to protest the Government's decision to eliminate dormitories. The Gendarmerie and the BAC were called to restore order. Twenty-one students were arrested and released after 4 days.

On November 2, residents in the town of Pita rioted to protest the increase in electricity prices. Police killed one youth with a stray bullet and injured several persons in an attempt to stop the unrest. Reportedly, employees of the electric company going from house to house with the latest electric bills fueled the unrest.

On December 29 and 30, workers of foreign-owned bauxite mines staged a protest in Fria, demanding unpaid salaries. One man died when police opened fire on the demonstration.

The law provides for freedom of association; however, the Government restricted this right in practice. The Government imposed cumbersome requirements to obtain official recognition for public social, cultural, religious, or political associations. Most of the

restrictions focused on political associations as opposed to nonpolitical associations. For example, political parties had to provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognized them.

c. Freedom of Religion

The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference, and the Government generally respected these rights in practice.

The Government requires that all recognized Christian churches join the Association of Churches and Missions to benefit from certain government privileges, such as tax exemptions and energy subsidies.

The Ministry of the National Islamic League, formerly the National Islamic League, represented the country's Sunni Muslim majority, which comprised 85 percent of the population. Government support of the powerful, now official Ministry of the National Islamic League led some non-Muslims to complain that the Government used its influence to favor Muslims over non-Muslims, although non-Muslims were represented in the Cabinet, administrative bureaucracy, and the armed forces. The Government refrained from appointing non-Muslims to important administrative positions in certain parts of the country in deference to the particularly strong social dominance of Islam in these regions.

Missionary groups were required to make a declaration of their aims and activities to the Ministry of Interior or to the Ministry of the National Islamic League.

Relations among the various religions generally were amicable; however, in some parts of the country, Islam's dominance was such that there was strong social pressure that discouraged non-Muslims from practicing their religion openly.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities at times infringed on these rights. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. To a lesser extent than in previous years, police and security forces detained persons-- particularly late at night, at military roadblocks and extorted money from them. The private press and local NGOs reported that travelers often were pressured to pay bribes to allow passage. Some roadblocks remained on Conakry's outskirts, rural areas, and in the Forest Region close to international borders. Government officials stated that a few rogue soldiers were corrupt; however, abuse at official checkpoints was systemic.

In May, authorities banned Union of Democratic Forces of Guinea opposition party leader Ba Mamadou from leaving the country. Authorities accused him of plotting a coup. The travel ban was lifted several months later.

The Constitution does not prohibit forced exile; however, the Government did not practice forced exile. Several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile, according to their families.

During the year, U.N. High Commission for Refugees (UNHCR) and International Organization of Migration IOM and the Government confirmed that all displaced persons have been reintegrated.

The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees of its 1967 Protocol, and the Government has established a system of providing protection to refugees through an advisor on Territorial Issues within the Ministry of Territorial Administration. In practice, the Government did not always provide protection against refoulement, the return of persons to a country where they feared persecution, and did not always grant refugee status or asylum. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

The border with Liberia was officially reopened during the year; however, border authorities were warned to screen out possible rebels. The Government continued to accept refugees during the year. There was a pattern of accepting refugees from neighboring countries, such as Cote d'Ivoire and Liberia, while denying access to any other nationals suspected to be rebels. The border with Sierra Leone was no longer closed; local, commercial, and personal travel between the countries was permitted, and Sierra Leonean refugees residing in the country officially were allowed to return to Sierra Leone both on their own and under the auspices of the UNHCR.

The UNHCR stated that as of August, more than 78,000 refugees received UNHCR assistance: 1,732 Sierra Leoneans, 3,822 Ivoirians, and 72,700 Liberians. Other refugees lived in Conakry or villages and towns in the forest region. In November, the UNHCR repatriated 517 Liberians refugees in 2 convoys; UNHCR considered repatriation of refugees from Sierra Leone complete in July.

Unlike in the previous year, there were no reports that refugees were forced to pay bribes to get past checkpoints or that security forces continued to arrest suspected rebels at the border as they tried to enter the country. There also were no reports that security forces searched and stripped refugees in public. There were no developments in the 2003 case of refugees awaiting trial for attacking a UNHCR official. Unlike in the previous year, there were no reports of forcible recruitment of refugees by the Liberians United for Reconciliation and Democracy (LURD) at camps in the country. During the year, the relocation of refugees from Kouankan to camps near Kissadougou that were farther from the Liberian border was officially canceled.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 U.N. Convention or 1967 Protocol, and provided it to approximately 200 persons of different West African nationalities during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for a popularly elected President and National Assembly; however, the ability of citizens to exercise this provision effectively was restricted. The Government tightly controlled the electoral process, and there was no independent electoral oversight mechanism.

The Government retained exclusive control of all registration and election procedures, including the casting and counting of votes. The Government controlled the 1998 multiparty presidential elections and the multiparty legislative elections in 2002, limiting the opposition to a subordinate role. The Constitution allows the President to run for an unlimited number of terms; presidential terms are 7 years. There were approximately 46 legally recognized political parties; deputies of 5 different parties were represented in the National Assembly. Government employees are required to campaign for the ruling party in each election.

In December 2003, President Conte was re elected to a third term in a race boycotted by all major opposition parties due to concerns over the electoral system. The President's only opposition was a relatively unknown candidate previously allied with the ruling PUP party. The election was peaceful with few reports of violence.

In June 2002, legislative elections were held, and observers judged the results to be questionable due to a lack of transparency and neutrality in the electoral process.

The President continued to hold the power to appoint the governors, prefects, and their deputies to administer regions and subregions respectively. Most of these officials were members of the PUP or of parties allied with it. Local governments generally had limited autonomy. Although they had some financial resources with which to fund local programs, most of their funds were controlled by the central Government.

Corruption was widespread in the executive and legislative branches of government. The President had powers to overrule legislative decisions and did so. Connection to the President or his powerful associates sometimes conferred exemptions from taxes and other fiscal obligations. Public funds were diverted to private use or to illegitimate public uses, such as buying expensive vehicles for the use of government workers. Land sales and business contracts lacked transparency. The Government announced a reformulated Committee to Combat Corruption within the Ministry of Finance, but it was minimally active.

There is no law providing for access to information.

In August, the President dismissed 100 elected Conakry officials from their posts; he was reportedly displeased with their corruption of an emergency rice distribution program.

There were 20 female deputies in the 114-member National Assembly. Five women held seats in the 26-member Cabinet: The Minister of Commerce; the Minister of Tourism; the Minister of Social Affairs and Promotion of Women; the Minister of Information; and the Minister of Energy. There were few women at senior levels below minister, and there were no women in the senior ranks of the armed forces. Women generally played a minor role in the leadership of the major political parties; however, in September the UPR opposition party elected Assiatou Bah, the wife of the deceased former UPR leader Siradiou Diallo. The opposition party Guinean People's Rally (RPG) named Fatou Bangoura to the post of political secretary.

Members of the three main ethnic groups as well as all smaller groups in the country (Gerze, Toma, Kisse, Koniake, and Mano) served in the National Assembly. The Cabinet and armed forces leadership included representatives of all major ethnic groups. However, a disproportionate number of senior military officers were Soussou, the President's ethnic group.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, some local organizations alleged that government officials tried to intimidate them, and that they often met resistance when trying to investigate abuses or

engage in civil education. Various government officials continued to block private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984.

The Government cooperated with both the UNHCR and the ICRC. In June 2003, a report by a U.N. Security Council mission criticized the Government for complicity in abuses of Liberian refugees through its support of LURD rebels. LURD rebels were accused of forced recruitment of Liberian refugees, as well as infiltration of refugee camps such as Kouankan. Allegations that the Government was complicit with the LURD continued during the year.

A human rights office within the Ministry of Defense, the Office of International Humanitarian Rights, in conjunction with the ICRC, conducted human rights seminars during the year to teach military personnel about human rights recognized by international and regional agreements.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government did not enforce these provisions uniformly.

Women

Domestic violence against women was common, although estimates differed as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law; however, police rarely intervened in domestic disputes. Rape is a criminal offense; however, social beliefs prevented most rape victims from reporting incidents of rape. Several local NGOs were working to increase public awareness of the nature of these crimes and to promote increased reporting. The Government did not pursue vigorously criminal investigations of alleged sexual crimes.

FGM was practiced widely in all regions and among all religious and ethnic groups. FGM is illegal, and senior officials and both the official and private press spoke against the practice; however, there were no prosecutions. FGM was performed on girls and women between the ages of 4 and 17, but exact figures on this procedure were difficult to establish. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, cited a continuing decline in the percentage of women and girls subjected to FGM. The CPTAFE estimated the figure to be between 60 and 65 percent. Infibulation, the most dangerous form of FGM, was still performed in the Forest Region, but less frequently than in previous years. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continued, seriously affecting many women's lives. FGM also increased the risk of HIV infection, since unsterilized instruments were shared among participants.

The Government continued efforts to educate health workers on the dangers of this procedure, and it supported the CPTAFE's efforts. The CPTAFE reported high rates of infant mortality and maternal mortality due to FGM. The Government continued its plan to eradicate FGM, and government ministers, health officials, and the media discussed FGM more frequently; however, there were no statistics evaluating the success of the program.

A growing number of men and women opposed FGM. Urban, educated families were opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. During the year, the CPTAFE held large public ceremonies celebrating the "laying down of the excision knife" in which some traditional practitioners of FGM pledged to discontinue the practice; however, most of those who performed FGM opposed its eradication since the practice was lucrative. CPTAFE stressed the health consequences, while supporting the customary observance of the transition regarding excision to womanhood through traditional dances and songs. Nevertheless, in August, the Islamic League issued a sermon to all mosques stating that FGM was a good thing and should be legalized.

Although the Government made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complained of frequent sexual harassment.

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion worked to advance such equality; however, women faced discrimination throughout society. Women faced discrimination particularly in rural areas where opportunities were limited by custom and the demands of childrearing and subsistence farming. Women were not denied access to land, credit, or businesses, but inheritance laws favor male heirs over females. Government officials acknowledged that polygyny was a common practice. Divorce laws generally tended to favor men in awarding custody and dividing communal assets. Legal evidence given by women carries less weight than testimony by men, in accordance with Islamic precepts and customary law. The Government affirmed the principle of equal pay for equal work; however, in practice, women received lower pay than men.

There were increasing signs that conservative Islamic beliefs, imported by students returning from educational sojourns in northern African and Arabic countries, posed a threat to the traditionally active role of women in society.

Children

The Constitution provides that the Government should support children's rights and welfare, and the Government allocated a significant percentage of the budget to primary education; however, the Government did not spend the allocated funds. The Minister of Youth was charged by the President with defending women's and children's rights, and a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGOs, and other sectors, continued to work.

The Government provided tuition free, compulsory primary school education for 6 years; however, enrollment rates were low due to school fees and lax enforcement of laws mandating school attendance. Approximately 47 percent of all eligible students were enrolled in primary school, including 66 percent of eligible boys compared with 37 percent of eligible girls. Girls often were taken out of school and sent to work to help pay for their brothers' education.

FGM was performed commonly on girls (see Section 5, Women).

The legal age for marriage is 21 years for men and 17 years for women; however, underage marriage was a problem. Parents contract marriages for girls as young as 11 years of age in the Forest Region. The CPTAFE, in conjunction with the Government, local journalists, and international NGOs, continued to promote an education campaign to discourage underage marriage and reported lower rates than in previous years. According to CPTAFE, some families that sanctioned early marriages nevertheless kept their married daughter in the family home until she had at least completed secondary school.

There were reports that girls were trafficked for prostitution and other labor (see Section 5, Trafficking.).

Trafficking in Persons

The law prohibits trafficking in persons; however, there were some reports of trafficking. The law carries a penalty of 5 to 10 years imprisonment and confiscation of any money or property received as a result of trafficking activities; however, some NGOs reported that women and children were trafficked within the country, as well as internationally, for the sex trade and illegal labor. Trafficking in persons from rural areas to urban centers increasingly was recognized as a problem. Accurate statistics were difficult to obtain, because victims did not report the crime fear for their personal safety.

A UNICEF official reported in 2003 that trafficking in children was common in the country. In August, persons involved in a Sierra Leonean child trafficking ring were apprehended, and an investigation was ongoing by Stat-View International at year's end. NGOs claimed that the country was frequently a transit route for a West African trafficking network, and children were then sent to destinations in Europe.

During the year, authorities discovered seven Malian girls who were brought to the country to work for a trafficking ring based in Conakry. The girls were found when police investigated a traffic accident. Some journalists alleged that the traffickers had ties to individuals in the Government.

In 2001, the Children's Protection Division and UNICEF reported that trafficking of children was a problem among the Sierra Leonean and Liberian refugee populations in the prefectures of Guekedou, Macenta, N'Zerekore, and Forecariah; girls were exploited for domestic labor, and boys were exploited as street sellers and agricultural workers. The International Rescue Committee and UNICEF reported that children living in foster families often did not receive adequate food, shelter, and clothing, and were compelled to work in the streets, sometimes as prostitutes, for their subsistence.

Girls under the age of 14 were involved in prostitution. The Government did not take action when prostitution of minors was brought to its attention, and it did not monitor actively child or adult prostitution.

Several government agencies, particularly the Ministry of Social Affairs and the Promotion of Women and Children, were involved in antitrafficking efforts. The Ministry of Social Affairs headed a committee of several government ministries that was formed during the year to increase coordination and communication on child trafficking problems.

Persons with Disabilities

There are no special constitutional provisions for persons with disabilities. The Government has not mandated accessibility for persons with disabilities, and few persons with disabilities worked, although some developed opportunities in the informal sector in small family-run businesses. Persons with disabilities did not face social or governmental discrimination.

National/Racial/Ethnic Minorities

The country's population was ethnically and regionally diverse, and no single ethnic group constituted a majority nationwide. The largest ethnic groups were the Puhlar, also called Peuhl or Fulani (approximately 40 percent of the population), the Malinke (approximately 30 percent), and the Soussou (approximately 20 percent). Each group spoke a distinct primary language and was concentrated in a distinct region: The Soussou in lower Guinea; the Peuhl in middle Guinea; and the Malinke in upper Guinea.

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification was strong.

Mutual suspicion, both inside and outside the Government, affected relations across ethnic lines. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. The proportion of public sector positions occupied by Soussous, particularly at senior levels, was widely perceived as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UPR's main base are the Peuhls, while the RPG's main base are the Malinke. Soussou preeminence in the public sector and Malinke migration into the traditional homelands of smaller ethnic groups in the Forest Region were major sources of political tensions that sometimes have erupted into violence.

On June 16, in N'Zerekore, a Guerze youth on a motorcycle collided with a crowd leaving a mosque, causing ethnic fighting between predominantly Christian Guerze and predominantly Malinke groups. The Government, which declared a ban on large gatherings and a curfew to lessen tensions, temporarily detained over 200 persons.

Other Societal Abuses and Discrimination

There have been reports that various hospitals in the country have refused to treat patients with AIDS; hospital workers fear contracting the disease.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of employees to form and join independent labor unions, and the Government generally respected this right in practice. The Labor Code requires elected worker representatives for any enterprise employing 25 or more salaried workers. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics made it difficult to estimate the exact percentage of workers in unions. Approximately 52,000 were government workers and thus automatically members of the government union. The rest were engaged in private, mixed, and informal sectors. The largest independent union, Union of Workers of Guinea, claimed 66,000 members, 20,000 of which were women. Union delegates represented individual and collective claims and grievances with management.

The Labor Code prohibits military and paramilitary personnel from creating or participating in unions.

The Constitution and Labor Code also prohibit antiunion discrimination; however, at regional and prefecture levels, unionized labor faced strong opposition from government officials. Union officials were selected on the basis of nepotism and patronage; these individuals were not sensitized to the rights of workers and often viewed unions as an enemy of the Government. As a result, union activities in the interior of the country faced harassment and interference from many governors and prefects. Union activities in Conakry faced less harassment and interference. Individual workers threatened with dismissal or other sanctions had the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court, which convened weekly to hear such cases. In the interior, civil courts heard labor cases.

The Government continued to pay the travel and lodging expenses of National Confederation of Guinean Workers representatives to International Labor Organization (ILO) conferences. Other independent unions had to fund their own attendance at ILO conferences.

b. The Right to Organize and Bargain Collectively

Under the Labor Code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations, and workers exercised this right in practice. The law protects the right to bargain collectively concerning wages and salaries without government interference. Employers established rules and hours of work in consultation with union delegates. There are no export processing zones.

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike; strikes were sometimes met with intimidation from security forces and, as a result, often did not take place. The law prohibits strikes in sectors providing "essential services," which include hospitals, radio and television, army, police, communications, and transport services.

On September 24, hundreds of former employees of the government-owned railway company staged a demonstration in Conakry to protest the bouncing of their long-awaited paychecks. The railway company reportedly has owed money to 187 former railway pensioners for 14 years. Demonstrators stated that the World Bank provided the Government with the money to pay the arrears. Police arrested nine persons, who were held for 1 day and released.

c. Prohibition of Forced or Compulsory Labor

The Labor Code specifically prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Sections 5 and 6.d.).

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor. Violations carried a penalty of 6 months to 5 years' imprisonment and a fine of approximately \$25 to \$150 (50,000 to 382,500 GF francs). Submitting a vulnerable or dependent person to inhumane working or living conditions carries a sentence of 1 month to 5 years' imprisonment and a fine of approximately \$25 to \$250 (50,000 to 500,000 GF francs). The Government did not enforce these provisions of the law in practice.

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Code has specific policies that pertain to child labor; however, child labor was a serious problem. According to the Labor Code, the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 were not permitted to work at night, for more than 10 consecutive hours, or on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice, enforcement by ministry inspectors was limited to large firms in the modern sector of the economy. Overall, approximately 48 percent of children under age 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. Child labor in factories was not prevalent because of the low level of manufacturing. Working children were mostly in the informal sector areas of subsistence farming, and small-scale commerce and mining. Girls as young as age 14, engaged in prostitution (see Section 5).

Many young Muslim children sent to live with a Koranic master for instruction in Arabic, Islam, and the Koran worked for the teacher as payment. Children often were sent from rural areas to Conakry to live with family members while they attended school. However, if the host family was unwilling or unable to pay school fees, the children sold water or shined shoes on the streets, and the host family took the money in exchange for their room and board or simply used the child as a cheap source of domestic labor (see Section 5).

The worst forms of child labor were found in the artisanal mining sector, where children hauled granite and sand for little or no money.

There were reports that forced and compulsory child labor occurred (see Section 5).

The Government has spoken out against child labor, but it lacked the resources, enforcement mechanisms, and the legislative will to combat the problem. As a result, child laborers did not have access to education or health care and suffered from chronic malnutrition, traumatic stress, and depression.

e. Acceptable Conditions of Work

The Labor Code allows the Government to set a minimum hourly wage; however, the Government has not exercised this provision nor does it promote a standard wage. Prevailing wages often did not provide a decent standard of living for a worker and family. There also were provisions in the Code for overtime and night wages, which were fixed percentages of the regular wage.

The Labor Code mandates that regular work should not exceed 10-hour days or 48-hour weeks, and it also mandates a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. In practice, the authorities enforced these rules only in the relatively small modern urban sector.

The Labor Code contains general provisions regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health; however, enforcement efforts were sporadic. Labor inspectors acknowledged that they did not have adequate resources to cover even Conakry, much less the entire country.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty; however, many workers feared retaliation should they refuse to work under unsafe conditions.

The law applies to all workers in the country, regardless of nationality; however, the law does not define whether it applies to persons working in the country illegally.